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10/710,688

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Haig H. Krakirian

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EXAMINER

HUERTA, ALEXANDER Q

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/710,688	<b>Applicant(s)</b> KRAKIRIAN ET AL.	
	<b>Examiner</b> ALEXANDER Q. HUERTA	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims 1-4, 11-14, 21-24** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of copending Application No. 10/905,489. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims in both the instant application and copending application 10/905,489 describes a search engine application, matching inputs fields to one or more databases, and providing one or more results.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 10-13, 20-23, 30** are rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter et al. (United States Patent Application Publication 2005/0235319), herein referenced as Carpenter.

Regarding **claim 1**, Carpenter discloses “providing a search engine application with one or more input fields ([0151], [0153], Fig. 35 El. 3510); matching said input fields to one or more common keys in a first (program guide database), a second (video-on-demand database), and a third database (Internet) ([0013], [0151]. [0153], Fig. 35), said first, second and third databases including at least one database of timeslot (program guide information) based entries, and at least one database of non-timeslot based (video-on-demand) entries ([0013], [0151]); obtaining one or more results from said first, second, and third databases ([0153], [Fig. 35 El. 3520]); and presenting said results on an output device” [Fig. 16].

Regarding **claim 2**, Carpenter discloses that “said first database is a database having entries related to timeslot based programming” ([0013], [0151]).

Regarding **claim 3**, Carpenter discloses that “said second database is a database having entries related to on-demand programming” ([0013], [0151]).

Regarding **claim 10**, Carpenter discloses that “said method for searching for shows takes place using a personal video recorder” ([0013], [0069], [0070], [0071], i.e. Carpenter teaches a set-top box 150 with the ability to record programs and also search, which therefore meets the limitation).

Regarding **claim 11**, Carpenter discloses “a search engine application with one or more input fields ([0151], [0153], Fig. 35 El. 3510); a first (program guide database), a second (video-on-demand database), and a third database (Internet) with one or more common keys for matching said input fields to said common keys ([0013], [0151]. [0153], Fig. 35); one or more results obtained from said first, second, and third databases [Fig. 35. El. 3520]; and a list of said results” [Fig. 35. El. 3520].

Regarding **claims 12-13, 20**, claims 12-13, 20 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 2-3, 10, respectively. Claims 2-3, 10 describe a method for searching for shows and claims 12-13, 20 describe a system for searching for shows. Thus, claims 12-13, 20 are rejected.

Regarding **claims 21-23, 30**, claims 21-23, 30 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-3, 10 respectively. Claims 1-3, 10 describe a method for searching for shows and claims 21-23, 30 describe a

computer program product implementing the method. Thus, claims 21-23, 30 are rejected.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 14, 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Ellis et al. (United States Patent Application Publication 2002/0174430), herein referenced as Ellis.

Regarding **claim 4**, Carpenter fails to explicitly disclose that "said third database is a database having entries related to saved shows".

Ellis discloses "said third database is a database having entries related to saved shows" ([0205], Fig. 7, i.e. Ellis teaches that recorded programs can be searched and played back). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of searching recorded/saved shows as taught by Ellis, to improve the search system of Carpenter for the predictable result of allowing the user to broaden their search to encompass previously recorded television shows.

Regarding **claim 14**, claim 14 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 4. Claim 4 describes a method for searching for

shows and claim 14 describes a system for searching for shows. Thus, claim 14 is rejected.

Regarding **claim 24**, claim 24 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 4. Claim 4 describes a method for searching for shows and claim 24 describes a computer program product implementing the method. Thus, claim 24 is rejected.

**Claims 5, 9, 15, 19, 25, 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Legall et al. (United States Patent 6,005,565), herein referenced as Legall.

Regarding **claim 5**, Carpenter discloses “obtaining one or more of said results [Fig. 35 El. 3520]; and presenting said results as a list on said output device” [Fig. 16].

Carpenter fails to disclose “sorting said results”.

Legall discloses “sorting said results” ([Col. 4 lines 35-55], Fig. 2, i.e. Legall teaches that the results from the power search are sorted according to source of their search, meaning web search results are displayed in HTML frame 210 and EPG results are displayed in window 220). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique sorting search results as taught by Legall, to improve the search system of Carpenter for the predictable result of providing the user with the convenience of logically grouping similar results.

Regarding **claim 9**, Carpenter fails to disclose “said input fields include a title, a time, an actor, or a category”.

Legall discloses "said input fields include a title [Fig. 3B El. 340], a time [Fig. 3B El. 351], an actor [Fig. 3B El. 346], or a category [Fig. 3B El. 344]" ([Col. 2 lines 28-46, Fig. 3B]). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of including a title, time, actor, and category input fields as taught by Legall, to improve the search system of Carpenter for the predictable result of allowing the user to further refine their program search.

Regarding **claim 15**, Carpenter fails to explicitly disclose "an application for sorting said results".

Legall discloses "an application for sorting said results " ([Col. 4 lines 35-55], Fig. 2, i.e. Legall teaches that the results from the power search are sorted according to source of their search, meaning web search results are displayed in HTML frame 210 and EPG results are displayed in window 220). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique sorting search results as taught by Legall, to improve the search system of Carpenter for the predictable result of providing the user with the convenience of logically grouping similar results.

Regarding **claim 19**, claim 19 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 9. Claim 9 describes a method for searching for shows and claim 19 describes a system for searching for shows. Thus, claim 19 is rejected.

Regarding **claims 25, 29**, claims 25, 29 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 5, 9, respectively. Claims 5, 9

describe a method for searching for shows and claims 25, 29 describe a computer program product implementing the method. Thus, claims 25, 29 are rejected.

**Claims 6-8, 16-18, 26-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Legall, and in further view of Schein et al. (United States Patent 5,801,787), herein referenced as Schein.

Regarding **claim 6**, Carpenter fails to disclose “presenting said results as a list further comprises adding visual indicators to each of said results”.

Schein discloses “presenting said results as a list further comprises adding visual indicators to each of said results” ([Col. 6 lines 9-10], Fig. 3, i.e. Schein teaches that the sources of the television shows are listed along with each search result). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of presenting said results as a list further comprises adding visual indicators to each of said results as taught by Schien, to improve the search system of Carpenter for the predictable result of indicating the user the source of the television program in the search result.

Regarding **claim 7**, neither Carpenter nor Schein explicitly disclose that “said list comprises one or more links that are used to invoke external applications”.

Carpenter discloses said list comprises one or more links that are used to invoke external applications” [Col. 4 lines 35-48]. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of providing a list that comprises one or more links that are used to invoke external applications as taught by Legall, to improve

the search system of Carpenter for the predictable result of allowing the user to navigate to outside resources.

Regarding **claim 8**, neither Carpenter nor Schein explicitly disclose that "said list comprises entries that are acted on by said search engine application" [Col. 4 lines 35-48, Fig. 2, i.e. the user uses their cursor to select a website which is then displayed]. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of enabling entries that are acted on by said search engine application as taught by Legall, to improve the search system of Carpenter for the predictable result of allowing the user to navigate to outside resources.

Regarding **claims 16-18**, claims 16-18 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 6-8, respectively. Claims 6-8 describe a method for searching for shows and claims 16-18 describe a system for searching for shows. Thus, claims 16-18 are rejected

Regarding **claims 26-28**, claims 26-28 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 6-8, respectively. Claims 6-8 describe a method for searching for shows and claims 26-28 describe a computer program product implementing the method. Thus, claims 26-28 are rejected.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER Q. HUERTA whose telephone number is

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(571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta  
Examiner  
Art Unit 2623

June 23, 2008

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623